

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA**

**SCOTT T. BALLOCK,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO: 1:17-CV-52  
Honorable Irene M. Keeley**

**ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF, and  
STATE TROOPER RONNIE M. GASKINS,**

**Defendants.**

**DEFENDANT ELLEN RUTH COSTLOW'S  
RULE 26(a)(3)(A) DISCLOSURES**

Defendant Ellen Ruth Costlow, by counsel, hereby provides the following disclosures,  
pursuant to Rule 26(a)(3)(A):

**Witnesses**

Ms. Costlow expects to call the following witness at the trial in this action:

1. WV State Trooper Michael Kief (address previously provided);
2. WV State Trooper Ronnie M. Gaskins (address previously provided);
3. Former Monongalia County Assistant Prosecuting Attorney Cindy Scott;  
WVU Division of Diversity, Equity and Inclusion  
1085 Van Voorhis Road, Suite 250  
Morgantown, WV 26506-6423  
(304) 293-5600
4. Ellen Ruth Costlow.

In addition, Ms. Costlow could call WV State Trooper Chris Berry if needed, or as a rebuttal witness. Ms. Costlow reserves the right to supplement this list and to call any witness identified, designated or called by any other party or identified in discovery. Ms. Costlow

reserves the right to call any witness required for rebuttal or impeachment, based upon disclosure at trial. Deposition transcripts may be used for purposes of impeachment or other purposes allowed under the Federal Rules of Civil Procedure.

**Exhibits**

Ms. Costlow expects to introduce the following exhibits at the trial in this action:

1. Investigation Report of Trooper Ronnie M. Gaskins;
2. Email from Plaintiff to Ms. Costlow (October 7, 2012 11:16 a.m.);
3. Emails between the Plaintiff and Ms. Costlow (October 20, 2012 7:06 p.m., 7:10 p.m.);
4. Email from Plaintiff to Ms. Costlow (November 22, 2012 10:22 p.m.);
5. Email from Plaintiff to Ms. Costlow (May 28, 2013 11:00 p.m.);
6. Email from Plaintiff to Ms. Costlow (September 30, 2012 1:38 a.m.);
7. Emails between Plaintiff and Ms. Costlow, (November 7, 2012 3:31 p.m., 4:01 p.m.);
8. Texts messages between Plaintiff and Ms. Costlow (May 17, 2013 8:24 a.m.-8:48 p.m.);
9. Email from Plaintiff to Ms. Costlow (May 3, 2013 9:00 p.m.);
10. Email from Plaintiff to Ms. Costlow (May 15, 2013 10:29 p.m.);
11. Letter from Matthew Stout to Plaintiff (May 3, 2013);
12. Texts messages between Plaintiff and Ms. Costlow (May 17, 2013 8:24 a.m.-8:48 p.m.);
13. Email from Plaintiff to Ms. Costlow (December 15, 2012 9:28 a.m.);
14. Letter from FBI Office of Professional Responsibility to Plaintiff, March 5, 2019;
15. W. Va. Code § 61-2-9;
16. W. Va. Code § 61-3C-14;
17. Warrants for Plaintiff's arrest issued by the Magistrate Court of Monongalia County (September 12, 2013);

18. Criminal Complaints against Plaintiff issued by the Magistrate Court of Monongalia County (September 12, 2013);

19. Letter from FBI Office of Professional Responsibility to Plaintiff, September 21, 2017;

20. Motion with Attachment, Magistrate Court of Monongalia County, April 7, 2016.

Ms. Costlow reserves the right to supplement this list, and to introduce any exhibit used at depositions and not specifically mentioned above, any exhibit required for rebuttal or impeachment and any exhibit identified by any other party.

Dated December 2, 2019

---

/s/ P. Todd Phillips

P. Todd Phillips (WV State Bar #9499)  
LYONS PHILLIPS LEGAL GROUP PLLC  
141 Walnut Street  
Morgantown, WV 26505  
304-296-3200  
304-296-0713 fax  
[toddphillips.law@gmail.com](mailto:toddphillips.law@gmail.com)

*Counsel for Defendant Ellen Ruth Costlow*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA**

**SCOTT T. BALLOCK,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO: 1:17-CV-52  
Honorable Irene M. Keeley**

**ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF, and  
STATE TROOPER RONNIE M. GASKINS,**

**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 2<sup>nd</sup> day of December 2019, I served “Defendant Ellen Ruth Costlow’s Rule 26(a)(3)A) Disclosures” on the parties below by depositing a true and correct copy thereof in the United States mail for delivery, First Class, postage prepaid, addressed as follows:

Mark G. Jeffries, Esq.  
STEPTOE & JOHNSON, PLLC  
400 White Oaks Boulevard  
Bridgeport, WV 26330-4500  
Mark.jeffries@steptoe-johnson.com

Montè L. Williams  
STEPTOE & JOHNSON, PLLC  
PO Box 1616  
Morgantown, WV 26507-1616  
Monte.williams@steptoe-johnson.com

*Counsel for Defendants State Trooper Michael Kief and State Trooper Ronnie M. Gaskins*

Charles J. Crooks, Esq.  
CROOKS LAW FIRM PLLC  
244 Pleasant Street  
Morgantown, WV 26505  
charles@crookslawfirm.org

*Counsel for Plaintiff*

/s/ P. Todd Phillips  
P. Todd Phillips/WV State Bar #9499  
***Lyons Phillips Legal Group PLLC***  
141 Walnut Street  
Morgantown, WV 26505  
(304) 296-3200 or (304) 296-0123 phone  
(304) 296-0713 fax  
Toddphillips.law@gmail.com

*Counsel for Defendant Ellen Ruth Costlow*